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To: [Grace Li](#)
Subject: FOIA Fee Waiver Disposition Reached for EPA-R1-2021-003209
Date: Wednesday, March 31, 2021 5:02:59 PM

CAUTION: Email from outside CLF.

Your request for Fee Waiver for the FOIA request EPA-R1-2021-003209 has been fully granted. Additional details for this request are as follows:

- Request Created on: 03/18/2021
- Request Description: CLF requests the following:
 1. All documents regarding tests performed by or for EPA Region 1 to determine the Minimum Level for Group I PAHs in NPDES permits during the Relevant Period.
 2. All documents on which EPA relied in deciding to set 0.1 ug/L as the Minimum Level for Group I PAHs in NPDES permits, including the Remediation Permit, the Draft Sprague Permits, and the Draft Chelsea Creek Permits, during the Relevant Period.
 3. All documents regarding the lowest Minimum Level achievable for any Group I PAH using an EPA-approved test method during the Relevant Period.
 4. All documents regarding any differences in the Minimum Levels achievable for different Group I PAHs using EPA-approved test methods during the Relevant Period (e.g., whether the ML for benzo(a)pyrene is different than the ML for benzo(a)anthracene).
 5. All documents regarding the current availability of labs that are capable of achieving an ML lower than 0.1 ug/L for any Group I PAH using an EPA-approved test method.
 6. Any documents, considered by EPA in setting 0.1 ug/L as the ML in the Permits, regarding the availability of labs that are capable of achieving an ML lower than 0.1 ug/L for any Group I PAH using an EPA-approved test method.
- Fee Waiver Original Justification: First fee waiver requirement:
 - i. The subject of the requested records must concern identifiable operations or activities of the Federal government, with a connection that is direct and clear, not remote. 40 C.F.R. §2.107(l)(2)(i)
CLF seeks the information referred to in this request in order to better understand the basis for EPA's decision for setting the minimum level for Group I PAH testing at 0.1 ug/L when the water quality based effluent limit for Group I PAHs is lower. The requested records directly concern the operations and activities of USEPA in its role as the primary enforcer and administrator of the Clean Water Act in Massachusetts, in which role USEPA drafted the applicable NPDES permits.
 - ii. The disclosable portions of the requested records must be meaningfully informative about government operations or activities in order to be "likely to contribute" to an increased public understanding of those operations or activities. 40 C.F.R. §2.107(l)(2)(ii)
The records requested by CLF will provide CLF, its members, and the general public with an increased understanding of the NPDES permitting operations and activities of USEPA as they relate controlling water pollution from Group I PAHs.. Moreover, CLF specifically intends to publish EPA's response and disseminate the responsive documents to CLF's members and the general public.
 - iii. The disclosure must contribute to the understanding of a reasonably broad audience

of persons interested in the subject, as opposed to the individual understanding of the requester. 40 C.F.R. §2.107(l)(2)(iii)

The records are requested by CLF on behalf of its approximately 4,000 members and the general public, which constitute a reasonably broad audience of persons. CLF specifically intends to publish EPA's response and disseminate the responsive documents to CLF's members and the general public.

iv. The public's understanding of the subject in question, as compared to the level of public understanding existing prior to disclosure

- Fee Waiver Disposition Reason: Let